

U.S. Application No. 09/698,550, filed October 27, 2000  
Attorney Docket No. 15258US06  
Response dated June 21, 2007  
In Reply to Office Action of March 21, 2007

## **REMARKS**

Claims 1-93 are pending in the present application. Claims 33-38 and 70-75 have been allowed. Claims 16-22 and 63-69 are merely objected to. Claims 1-15, 23-32, 39-62 and 76-93 stand rejected.

### Allowed Claims

Applicants gratefully acknowledge the indication by the Examiner that claims 33-38 and 70-75 are allowed.

### Objected To Claims

Applicants also gratefully acknowledge the indication by the Examiner that claims 16-22 and 63-69 recite patentable subject matter and have merely been objected to. It is believed that the remarks herein place claims 16-22 and 63-69 in condition for allowance.

### Obviousness Rejection

Claims 1-15, 23-32, 39-62 and 76-93 stand rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 6,223,061 B1 (“Dacus”) in view of United States Patent No. 6,453,157 B1 (“Roberts”). Applicants respectfully traverse the rejection as set forth below.

### Track and Hold Circuit as Part of a Mixer

Claim 1 recites, in part, *a mixer comprising* a track and hold circuit and a bandpass circuit.

In other words, claim 1 states that (1) the track and hold circuit and (2) the bandpass circuit are part of a mixer.

Neither Dacus nor Roberts teaches *a mixer comprising* a track and hold circuit and a bandpass circuit.

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The Office Action mailed March 21, 2007 (“Office Action”), the Examiner alleges, without support, that “Dacus et al discloses a mixer (figs. 2-3; figs.9-10), comprising: a track and hold circuit (66 of fig. 2) ...”. Office Action at page 2.

This is incorrect.

Dacus does *not* teach anywhere that active loop filter/sample and hold 66 of FIG. 2 of Dacus **is part of** *first mixer* 310 or *second mixer* 316 of FIGS. 9 and 10. FIGS. 9 and 10 relate to receiving means 300. FIG. 2 relates to transmitting means 50.

FIG. 2 is **NOT** a detailed version of first mixer 310 or second mixer 316 of FIGS. 9 and 10.

There is no basis in Dacus for even alleging that active loop filter/sample and hold 66 of FIG. 2 **is part of** *a mixer* and, in particular, *first mixer* 310 or *second mixer* 316 of FIGS. 9 and 10.

Applicants respectfully request that the Examiner carefully review and analyze Dacus.

The Examiner is advised not to merely try to locate a mixer or a track and hold circuit in Dacus.

According to claim 1, the track and hold circuit **is part of** the mixer.

According to claim 1, the bandpass circuit **is part of** the mixer.

Applicants respectfully submit that there is no such teaching in Dacus or Roberts.

For at least the above reasons, it is respectfully requested that the rejection be withdrawn with respect to independent claim 1 and its rejected dependent claims (i.e., claims 2-15 and 23-32).

Claims 1-15 and 23-32 are in condition for allowance.

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Claims 39-62 and 76-93

Claim 39 recites, in part, a mixer comprising a track and hold circuit and a bandpass circuit.

Claim 61 recites, in part, a differential mixer comprising a track and hold circuit and a bandpass circuit.

Claim 76 recites, in part, a mixer comprising track and hold means and limiting means.

Applicants have already indicated above that neither Dacus nor Roberts, as alleged, teaches a mixer or differential mixer comprising a track and hold circuit or track and hold means.

Despite the unsupported allegations by the Examiner, neither Dacus nor Roberts teaches a track and hold circuit or track and hold means **as part of a mixer or differential mixer**.

For at least the above reasons, it is respectfully requested that the rejection be withdrawn with respect to independent claims 39, 61 and 76 and their dependent claims (i.e., claims 40-60, 62, and 77-93).

Claims 39-62 and 76-93 are in condition for allowance.

Conclusion

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-93 are in condition for allowance. Should anything remain in order to place the present application

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in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: June 21, 2007

Respectfully submitted,

/Michael T. Cruz/

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